

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT BECKLEY**

TONY TAYLOR,

Petitioner,

v.

CIVIL ACTION NO. 5:18-cv-01071

D.L. YOUNG,

Respondent.

**MEMORANDUM OPINION AND ORDER**

Pending is the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [Doc. 1], filed June 22, 2018. This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Eifert filed her PF&R on February 7, 2020. Magistrate Judge Eifert recommended that the Court grant the Respondent’s request for dismissal, dismiss the Petition for a Writ of Habeas Corpus, and remove the matter from the Court’s docket. Mr. Taylor timely filed his objection – styled as a “Motion in Opposition to the Proposed findings and Recommendations” – on February 21, 2020 [Doc. 15].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made*.”). Failure to file timely objections constitutes a waiver of de novo review and the

Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Mr. Taylor generally objects to the Magistrate Judge's determination that he is not entitled to relief, and requests that "the motion of proposed findings and recommendations by the Magistrate Judge be dismissed." [Doc. 15]. Mr. Taylor submitted a bevy of exhibits in support of his objections. Mr. Taylor does not, however, at any point identify a specific portion of the PF&R to which he objects. Instead, Mr. Taylor simply relitigates his previous arguments. Inasmuch as Mr. Taylor has not raised any objections to any specific portion of the PF&R, he is not entitled to de novo review. *See Thomas*, 474 U.S. at 140; *Orpiano*, 687 F.2d at 47.

Accordingly, the Court **ADOPTS** the PF&R [Doc. 14], **GRANTS** the Respondent's request for dismissal [Doc. 9], **DISMISSES** the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [Doc. 1], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Memorandum Opinion and Order to any counsel of record and any unrepresented party herein.

ENTERED: May 14, 2020



*Frank W. Volk*  
Frank W. Volk  
United States District Judge